



Practitioner's Docket No. 5713-2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: RemiSwierczek

Application No.: 09/680,172  
Filed: October 5, 2000  
For: MUSIC IDENTIFICATION SYSTEM

Group No.: 3625  
Examiner: Gart, Matthew S

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. § 1.191)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed May 27, 2003, finally rejecting claims 1-20.

1. STATUS OF APPLICANT

This application is on behalf of a small entity. A statement was already filed on October 5, 2000.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Appeal Brief is:

Small entity	\$160.00
Notice of Appeal fee due	\$160.00

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\*  
(When using Express Mail, the Express Mail label number is *mandatory*;  
*Express Mail certification is optional.*)

I hereby certify that, on the date shown below, this correspondence is being:

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☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

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37 C.F.R. § 1.10\*

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TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Date: August 27, 2003

Signature Robert J. Clark  
Robert J. Clark  
(type or print name of person certifying)

\* Only the date of filing ( 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under 1.8 continues to be taken into account in determining timeliness. See 1.703(f). Consider "Express Mail Post Office to Addressee" ( 1.10) or facsimile transmission ( 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

**3. EXTENSION OF TERM**

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**4. TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee \$160.00

**TOTAL FEE DUE \$160.00**

**5. FEE PAYMENT**

Authorization is hereby made to charge the amount of \$160.00 to Deposit Account No. 15-0450.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

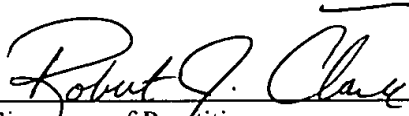
A duplicate of this transmittal is attached.

**6. FEE DEFICIENCY**

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 15-0450.

Date: August 27, 2003

Reg. No.: 45,835  
Tel. No.: 330-864-5550  
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\_\_\_\_\_  
Signature of Practitioner  
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